IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.311 OF 2003

M/s.Shreeji Finvest Ltd. .. Appellant

versus

M/s.Share Shoppe Holding

(I) P.Ltd. & ors. .. Respondents

...

Ms.Sangeeta Choudhari i/b Ms.Prajakta Shinde for the appellant.

None for the respondents.

Mr.A.M. Shringapure, APP for the State.

CORAM : V.M. KANADE, J

DATED : 24th November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the appellant. None appears for the respondent though they are served. The appellant has filed affidavit of service. The appellant has also annexed copies of the acknowledgement receipts.

2. Appeal is filed against judgement and order passed by the learned Magistrate, 16th Court, Bombay. The learned Magistrate was pleased to dismiss the complaint for want of prosecution by order dated 14th February 2002. The appellant has submitted that the representative of the Company has remained absent regularly and has been attending the case. However, on the particular day, the Company representative could not remain present. In my view, the appellant has given a fresh ground for not remaining present and the learned Magistrate ought to have decided that case on merits. The impugned order is therefore, set aside. The learned Magistrate is directed to decide the case expeditiously.

3. Appeal is allowed in the above terms.

V.M.KANADE, J